

Notice of Allowability	Application No.	Applicant(s)	
	09/748,729	WILLIAMS, LAWRENCE E.	
	Examiner	Art Unit	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE, Amdt of 3/29/06.
2. ☒ The allowed claim(s) is/are 34-40, 43-45 and 48-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 March 2006 has been entered.

Response to Amendment

Applicant's amendment of 29 March 2006 has been entered.

Applicant submitted a declaration under 37 CFR 1.132 and two exhibits.

Applicant amended claim 34, cancelled claims 41-42 and added claims 48-56.

Claims 34-40, 43-45 and 48-56 are allowed, in which claims 34 and 52 are independent.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance for independent claims 34 and 52.

Applicant's Exhibits alone were not effective to overcome the rejection. **Exhibit A**, for example, refers only to a system similar to that described in the above referenced application and not to the individual claims of the application. There is no mention of

emergency contact information, although the article refers to unlisted numbers. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716. **Exhibit B** failed to provide a necessary nexus between applicant's claimed invention and the software in use.

However, the Examiner was persuaded by the totality of the evidence, encompassing the Affidavits, the amendment to the claims and applicant's remarks.

Claim 34

Regarding claim 34: Prior art of record neither anticipates nor fairly and reasonably teaches a method, during an emergency associated with a customer vehicle, of providing emergency contact information of a customer using a telematics device embedded in a customer vehicle, including, inter alia, the following steps: ***transmitting*** the retrieved emergency contact information of the customer from the telematics device embedded in the customer vehicle to the Public Safety Answering Point so that the Public Safety Answering Point will have the customer's emergency contact information that was specified by the customer via the Internet site and retrieved from the virtual garage by the telematics device during the emergency.

Claim 52

Regarding claim 52. Prior art of record neither anticipates nor fairly and reasonably teaches a method having, inter alia, a step for

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transmitting the retrieved emergency contact information of the customer from the vehicle to a Public Safety Answering point so that the Public Safety Answering Point will have the customer's emergency contact information that was retrieved from the virtual garage during the emergency,

wherein the communication link is a **wireless connection**, and

wherein the Public Safety Answering Point comprises one of an emergency medical service vehicle, a police service, and a fire service.

Closest Prior Art, Claims 34 and 52

The closest prior art, Kennedy (US 6535743), discloses methods and devices for providing information such as medical information during an emergency, but does not specifically disclose the transmission of **emergency contact information**. For discussion of type of information, see pages 4-6 of the Final Office Action of 31 October 2005.

Examiner Comments

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Mercedes-Benz First With Web-Based in-Car Info Services Tele Aid Standard on Every 2001 Model; Info Services Optional", **PR Newswire**. New York: Sep 14, 2000. 3 pages, downloaded from ProQuest on the Internet on 8 June

2006, does not provide details concerning information such as emergency contact information.

JP404057198A, EMERGENCY COMMUNICATION EQUIPMENT FOR VEHICLE, published on 24 February 1992, fails to disclose transmission of emergency contact information as claimed.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Patent Examiner
Art Unit 3625
8 June 2006

James Zurita
Primary Examiner